

### REMARKS

Reconsideration and allowance are respectfully requested in view of the foregoing amendments and the following remarks. Claims 1, 4, 5, and 8 have been amended; claims 3 and 7 have been cancelled without prejudice or disclaimer to the subject matter therein; and claims 9 and 10 have been added. Claims 1, 5, 9, and 10 are independent. Upon entry of this Amendment, claims 1, 2, 4-6, and 8-10 will remain pending.

#### **I. Personal Interview of August 4, 2004 – Allowable Subject Matter**

Applicant thanks the Examiner and his supervisor for meeting with Applicant's representative on August 4, 2004. As a result of the interview, it was agreed that claim 1 amended to include the limitations of claim 3 is allowable over the prior art of record. It was further agreed that claim 1 amended to include the limitation "wherein the error estimate is at least in part generated by individually determining a plurality of point to point quadratic error comparisons between the generated signal path and a reference signal path" is allowable over the prior art of record.

Herein, Applicant has amended claim 1 to incorporate the limitations of claim 3, and claim 5 to incorporate the limitations of claim 7. In addition, new independent claims 9 and 10 recite the above-quoted limitation. Accordingly, claims 1, 2, 4-6, and 8-10 are allowable.

#### **II. Claim Rejections – 35 U.S.C. § 103**

The Office Action rejected claims 1, 3-5, 7, and 8 under 35 U.S.C. § 103(a) as being unpatentable over Love (U.S. Patent No. 5,363,412) in view of Birchler et al. (U.S. Patent No. 5,440,582). Claims 2-4 and 6-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Love in view of Birchler and LaRosa (U.S. Patent No. 5,323,421). Claims 3 and 7 have been cancelled, rendering the rejection moot with respect to those claims. Applicant respectfully traverses the rejections of the remaining claims because the cited references, analyzed individually or in combination, fail to teach or suggest the combination of features recited by the amended claims. Independent claim 1, as amended, recites, among other things:

wherein the error estimate representing the erroneousness of the signal path is a signal path error metric which is generated by means of quadratic errors which are calculated on the basis of the difference between individual symbol sequence specific sample points and corresponding reference

constellation points constructed on the basis of the channel estimate describing the state of the radio channel used.

Independent claim 5, as amended, recites, among other things:

the equipment is arranged to use a signal path error metric, which is generated by means of quadratic errors calculated on the basis of the difference between individual symbol sequence specific sample points and corresponding reference constellation points constructed on the basis of the channel estimate describing the state of the radio channel used, as the error estimate representing the erroneousness of the signal path.

None of the cited references discloses at least the above-identified features of claims 1 and 5. In particular, as discussed and agreed upon during the interview, col. 3, lines 50-65 of Love are devoid of any teaching or suggestion with respect to those features.

For at least the above reasons, claims 1 and 5 are patentable over the cited references, and the rejection should be withdrawn. Claims 2, 4, 6, and 8, which respectively depend from claims 1 and 5, are patentable for the above reasons and for the additional features recited therein.

### III. Conclusion

All objections and rejections having been addressed, Applicant requests issuance of a notice of allowance indicating the allowability of all pending claims. If anything further is necessary to place the application in condition for allowance, Applicant requests that the Examiner contact Applicant's undersigned representative at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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